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justin.smith@usdoj.gov[justin.smith@usdoj.gov]
Cc: 'John.Sither@usdoj.gov'[John.Sither@usdoj.gov]; Lensink, Andy[Lensink.Andy@epa.gov];
'James.Lucari@bp.com'[James.Lucari@bp.com]
From: Rauchway, Jon
Sent: Fri 5/6/2016 9:39:41 PM
Subject: RE: Atlantic Richfield v. Christian et al., USDC Montana - Update on US participation
[Christian.AR.SJ.Resp.Reply.pdf](#)
[Christian.SJ.Facts.pdf](#)

Matt and Justin:

Attached is Atlantic Richfield's combined summary judgment response/reply brief and responsive fact statement, filed today. The briefing on the cross-motions for summary judgment is nearly closed. Plaintiffs have until May 20 to file a reply brief—if the United States is still interested in participating, whether by amicus brief on intervention, that would appear to be the logical deadline to do so. As noted previously, if the U.S. attempts to submit a brief after summary judgment briefing is closed, the court may decide not to consider it. The permissible time to intervene is probably similar. Let me know if you have any questions or would like to discuss further.

Jon

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From: Oakes, Matthew (ENRD) [mailto:Matthew.Oakes@usdoj.gov]
Sent: Thursday, March 31, 2016 2:04 PM
To: Rauchway, Jon
Cc: Smith, Justin (ENRD); 'James.Lucari@bp.com'
Subject: Atlantic Richfield v. Christian et al., USDC Montana - Update on US participation

Hi Jon,

Justin and I would like to touch base with you on Monday, if possible. During the call we would: (1) give you a status update on potential US participation; and (2) raise a specific concern we have regarding ARCO's claims. Are you available any time after 2:30 p.m. on Monday April 4 for a call?

Thanks,

Matt Oakes

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From: Rauchway, Jon [<mailto:Jon.Rauchway@dgslaw.com>]
Sent: Tuesday, March 29, 2016 6:44 PM
To: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>
Cc: Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; 'James.Lucari@bp.com' <James.Lucari@bp.com>
Subject: RE: Atlantic Richfield v. Christian et al., USDC Montana

Matt and Justin:

Attached is an order from the magistrate judge after our scheduling conference today. The short version is that both sides agree there is no genuine issue of material fact, and the judge will decide the case on the parties' cross-motions for summary judgment. The landowner/defendants will file their cross-motion for summary judgment on April 8, and the response will be due 21 days after. So, if someone on your side is looking for a deadline by which to act, that appears to be it. If the U.S. attempts to intervene or submit a brief after the summary judgment briefing is closed, without giving the landowner/defendants an opportunity to respond to it, that may be too late.

I asked if the court intended to hold an argument—the judge said he would wait to see the briefs before deciding that.

Jon

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